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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,917	05/26/1999	GERALD B. HALT JR.	HAL2-PT001.1	2067

3624 7590 10/24/2002

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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/318,917

Applicant(s)

Halt

Examiner

Cheryl Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/21/02 and 8/30/02 paper no. 9-11.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **III. DETAILED ACTION**

#### ***Response to Amendment***

1. This Office Action is in response to the applicant's communication, Amendment C, received on June 21, 2002, paper no. 10.
2. Claims 1-6 are presented for examination.
3. Applicant has amended claims 1 and 2 and has cancelled claim 7.
4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new grounds of rejection.

#### ***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters 200 and 202 of Figure 3 have both been used to designate the same drawing feature a "profile", also reference characters 202 and 204 of Figure 4. (All reference characters in Figures 1-7 should include textual labels.) A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Also, refer to the 948 submitted with the office action paper no. 12.

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***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>9</sup> of this title before the invention thereof by the applicant for patent.

7. Claims 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Hartman et al. (Pat. No. 5,960,411 filed 9/12/1997, hereinafter Hartman).

8. Regarding Claim 1, Hartman teaches a method and system for placing a purchase order via a communication network.

The method and associated system for placing a purchase order via a communication network as taught or suggested by Hartman includes:

a data file having a plurality of user-selectable fields, each field for describing a personal characteristic of a user (col. 6, lines 11-13, col. 9, lines 8-53); and means for automatically transmitting a data file upon initially accessing a web page (col. 3, lines 38-67, col. 4, lines 1-67, col. 5, lines 56-67, col. 6, lines 1-21); web page portion comprising a plurality of discrete sections, each section having a plurality of mutually exclusive subsections (col. 4, lines 4-58, col. 5, lines 9-24 & 40-55); receiving a data file (col. 3, lines 38-67, col. 4, lines 1-67, col. 5, lines 56-67, col. 6, lines 1-21); analyzing a plurality of user-selectable fields of a data file (col. 9, lines 8-53); selecting one of the mutually exclusive subsections for

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each section in response to the analysis (col. 4, lines 4-19 & 26-54); web page presents a plurality of sections to a user of which is related one or more of the personal characteristics (col. 7, lines 5-14).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103<sup>®</sup> and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (Pat. No. 6,269,369 filed 11/2/1997) and Hartman et al. (Pat. No. 5,960,411).

12. Regarding Claim 2, Robertson teaches generating an information user profile having at least one user-selectable data field (col. 6, lines 58-67), a user-selectable data field for identifying characteristics particular to a user, characteristics selected from the group of age, race, sex, income and native language (col. 6, lines 58-67); and automatically transmitting information user profile over the Internet to the information provider upon accessing the information provider (col. 2, lines 5-40, col. 7, lines 20-27, col. 9, lines 57-67, col. 10, lines 1-53); and analyzing information user profile (col. 10, lines 1-53); for each of N discrete data streams means for selecting one data stream from among a plurality of mutually exclusive data streams and outputting selected data stream, the selection being in response to an analysis of the received information user profile (col. 6, lines 6-67, col. 7, lines 1-67).

Robertson discloses a web server comprising means for receiving an information user profile (col. 6, lines 40-67), however Robertson does not expressly teach a web page.

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Hartman teaches a web page comprising means for receiving an information profile (col. 4, lines 59-67, col. 5, lines 1-8 & 56-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of Robertson with the method of Hartman because Hartman's method enables a server system sending to a client system an assigned client identifier and an HTML document in order to identify the client and the client's items ordered and selected through a purchasing process over the internet.

13. Regarding Claim 3, Robertson teaches an information provider includes a plurality of data streams (col. 4, lines 27-60), data stream including an information identifier for identifying the type of information provided by the data stream (col. 7, lines 1-37).

14. Regarding Claim 4, Robertson teaches the data streams may be individually linked (col. 9, lines 30-47).

15. Regarding Claim 5, Robertson teaches the content of the data streams changes on a basis set by an information provider (col. 7, lines 1-67)..

16. Regarding Claim 6, Robertson teaches the data stream is tailored to one of the data fields (col. 7, lines 1-67).

17. **THIS ACTION IS MADE FINAL.**

A shortened statutory period for response to this action is set to expire **three** from the mailing date of this action.

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**Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings.** The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

**Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c).** A request for extension of time must be filed on or before the day on which a response to this action is due. The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

The filing of a timely first response to this final rejection will be construed as including a request to extend the shortened statutory period for an additional month, which will be granted even if previous extensions have been granted. In no event however, will the statutory period for response expire later than SIX MONTHS from the mailing date of the final action. See MPEP § 2265.

***Name of Contact***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is 703-305-8750.



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The examiner can normally be reached on Mon-Thur from 6:30 to 3:00 pm.

The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

or:

(703) 746-7239 (Official Communications)

(703) 746-7240 (For Status inquiries, draft communication)

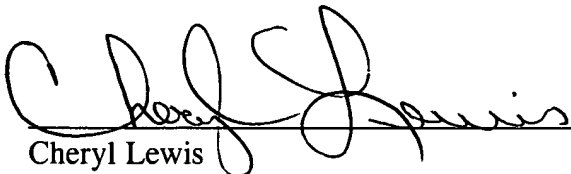
any/or:

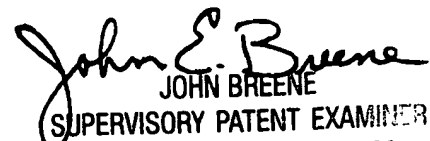
(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.)

Any inquiry of a general nature of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

  
Cheryl Lewis  
Patent Examiner  
October 4, 2002

  
JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100